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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,944	08/04/2003	John Kolbjoern Roedseth	DN2003129	5204
27280 7590 12/08/2008 THE GOODYEAR TIRE & RUBBER COMPANY INTELLECTUAL PROPERTY DEPARTMENT 823 1144 EAST MARKET STREET AKRON, OH 44316-0001				
EXAMINER KNABLE, GEOFFREY L				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
12/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,944

Applicant(s)

ROEDSETH ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2008 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 10-5-2005.
4. Claims 5 and 10-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The last two lines of claim 5 have been amended to define each bead lock being mounted on axially movable housings threadedly connected to the central screw "and actuated in response to rotation of the screw". This use of the term "actuated" in this context is not clearly supported in the original disclosure and as such represents subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention, i.e. it appears to be new matter. First, it is noted that it is now not entirely clear what is being "actuated", the bead lock or the housings. Further, as the term "actuated" is used in the original disclosure only in reference to the pneumatic cylinder "113" being actuated (which causes the bead locks to extend radially), it is not seen that support exists for defining "actuation" in response to rotation of the screw as now claimed. An analogous lack of description/new matter issue is present in claims 10 and 12 which use essentially the same terminology.

New claim 11, line 8 defines that the cone mechanism is located "along a center plane of the drum transverse to the longitudinal axis". This literal language was not however used in the original disclosure and it is not seen that the original disclosure reasonably conveys possession of the invention newly characterized in this manner. This therefore represents subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter. It is also noted that the scope of this new requirement is not entirely clear, this to be addressed in the following rejection.

5. Claims 5 and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In addition to the potential new matter issues noted above, the last three lines of claim 5 as amended are indefinite. First, again, it is not clear what is being "actuated", the bead locks or the housings. Since the original disclosure only uses the term

"actuated" in reference to the cylinder "113" that causes radial movement of the bead locks, this would seemingly be referring to the bead locks but as already noted, the bead locks are not actuated by the screw. If this is in reference to the axial movement of the housings, then it would seem that this should be more clearly set forth (i.e. as in the previous language that was deleted in favor of the "actuated" language). In other words, using the term "actuated" in a different manner than the original disclosure creates significant confusion. An analogous ambiguity is presented by essentially the same language in claims 10 and 12. For purposes of the prior art rejections, this reference to "actuated" will be read as referring to axial movement (in view of applicants arguments).

As noted above, the scope of claim 11, line 8, which defines that the cone mechanism is located "along a center plane of the drum transverse to the longitudinal axis", is indefinite and confusing. In particular, no antecedent has been established for "the longitudinal axis", it not being clear what axis is this is referring to. It thus likewise is not clear where the center plane is located.

6. Claims 5 and 10-12 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Byerley (US 6,457,505).

Byerley is applied for substantially the same reasons as set forth in the last office action. As to the amended language in claim 5, it is again submitted that Byerley discloses a pair of bead locks (340, 400, etc.) each mounted on an axially movable housing (102, 104) which is threadedly connected to the central screw (e.g. col. 7, lines 11+). Since the "housings" (102, 104) carry the bead locks and are axially adjustable to

adjust the axial width of the drum (e.g. col. 7, lines 39-51), the bead locks are axially movable upon rotation of the central screw.

Claim 10 essentially duplicates requirements from claim 5, without the requirement for the support rings, and thus is rejected for the same reasons as set forth with respect to claim 5. Claims 11-12 add the requirement that the "cone mechanism is located along a center plane of the drum transverse to the longitudinal axis". If the "longitudinal axis" is read as being the axis of rotation of the drum, a plane transverse to this axis can be either a mid-plane (axially) of the drum or a plane that includes the axis (e.g. the plane of the page in the cross-sections in figs. 1-3). In either case, the Byerley drum meets the claimed requirement. In particular, if this plane is a midplane axially bisecting the drum, the cone mechanisms (200) extend "along" this plane in the sense that they also have an extent radially/circumferentially ("along" read in the sense of beside or extending in the same direction - e.g. "walking along the train tracks"). If it refers to a plane containing the axis, since the cone mechanisms have an axial extent, they are also along this plane. Byerley therefore anticipates all of the claims.

7. Claims 5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldoni et al. (US 6,360,802).

Baldoni et al. is applied for substantially the same reasons as set forth in the last office action. As to the amended language in claim 5, in Baldoni et al., the central screw (11) is threadedly connected to axially movable housings (e.g. 35) that provides for axial movement of the bead locks (e.g. compare figs. 4 and 5) in response to rotation of the central screw.

Claim 10 essentially duplicates requirements from claim 5, without the requirement for the support rings, and thus is rejected for the same reasons as set forth with respect to claim 5. Claims 11-12 add the requirement that the "cone mechanism is located along a center plane of the drum transverse to the longitudinal axis". If the "longitudinal axis" is read as being the axis of rotation of the drum, a plane transverse to this axis can be either a mid-plane (axially) of the drum or a plane that includes the axis (e.g. the plane of the page in the cross-sections in figs. 1-3). In either case, the Baldoni et al. drum meets the claimed requirement. In particular, if this plane is a midplane axially bisecting the drum, the cone mechanisms (52) extend "along" this plane in the sense that they also have an extent radially/circumferentially ("along" read in the sense of beside or extending in the same direction - e.g. "walking along the train tracks"). If it refers to a plane containing the axis, since the cone mechanisms have an axial extent, they are also along this plane. Baldoni et al. therefore anticipates all of the claims.

8. Applicant's arguments filed 10/20/2008 have been fully considered but they are not persuasive.

With respect to Byerley, it is argued that "Byerley teaches bead lock shoes that are not axially movable by rotation of the central screw, and instead, relies on bead lock piston and camming action of center support segments for movement." This argument is unpersuasive as it is again submitted that Byerley discloses a pair of bead locks (340, 400, etc.) each mounted on an axially movable housing (102, 104) which is threadedly connected to the central screw (e.g. col. 7, lines 11+). Since the " housings" (102, 104) carry the bead locks and are axially adjustable to adjust the axial width of the drum (e.g.

col. 7, lines 39-51), the bead locks are axially movable upon rotation of the central screw.

With respect to Baldoni, it is argued that "[t]he Baldoni reference teaches that compressed air is injected between 37 and 46, which results in moving piston 46 toward flange 18 which move pins 43 and sector 43a radially outward so that sectors 43a clamp ply against bead at support 64. (Col. 4, lines 48-60)." This discussion however is in reference to the *radial* actuation of the bead locks, not the axial movement thereof. Again, in Baldoni et al., the central screw (11) is threadedly connected to axially movable housings (e.g. 35) that provide for axial movement of the bead locks (e.g. compare figs. 4 and 5) in response to rotation of the central screw. Baldoni et al. therefore satisfies the claim requirement for axially movable housings carrying the bead locks and axially movable with rotation of the screw. These arguments are therefore unconvincing.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
December 5, 2008